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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/134,405	08/14/1998	YONG SUNG HAM	8733D-6833	7940

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EXAMINER

DUONG, TAI V

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/134,405

Applicant(s)

HAM, YONG SUNG

Examiner

TAI DUONG

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 8, 9, 12-14, 16, 19, 20 and 23- 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Figs. 1A-B in view of Ohe et al.'271 .

Applicant's Prior Art Figs. 1A-B disclose a LCD and a method of making of the LCD similar to those of the instant claims except for the $d_{\Delta n}$ being in the range of 0.29-0.36 μm (specification, pages 2-5). The newly added limitation "wherein a variation of light transmittance according to $d_{\Delta n}$ is at least about 60%" is inherently associated with the device of Applicant's Prior Art. As apparent from the instant Fig. 2, the light transmittance is at least about 60% for the S+S' region ($d_{\Delta n}$ being in the range of 0.21-0.36 μm). However, Ohe et al disclose that it was known to employ $d_{\Delta n}$ having a value of 0.30 μm for attaining a higher transmission index and a whiteness of the display emission light (col. 6, lines 50-55). Thus, it would have been obvious to a person of ordinary skill in the art to employ $d_{\Delta n}$ having a value of 0.30 μm (which is within in the recited range 0.29-0.36 μm) in Applicant's Prior Art Figs. 1A-B for attaining a higher transmission index and a whiteness of the display emission light , as disclosed by Ohe et al.

Claims 4, 6, 7, 10, 11, 15, 17, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Figs. 1A-B and Ohe et al.'271 as applied to claims 1-3, 5,

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8, 9, 12-14, 16, 19, 20 and 23-28 above, and further in view of Yanagawa et al.'160 and Kang et al.'669 of record.

These claims recite that the passivation layer includes one of SiNx and SiOx , and one of the alignment layers comprises a photosensitive material being selected from the group consisting of polyvinylcinnamate, polysiloxane cinnamate and cellulosecinnamate. However, these materials are well-known in the art for the same intended purposes as those of the instant claims, as evidenced by Yanagawa et al. (PSV in Fig. 15 H) and Kang et al. (cols. 1 and 2).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication should be directed to Tai Duong at telephone number 703 308-4873.



TVD

1/03



STAMPED: TAI DUONG
DATE: 01/03/2000